
By: Senator Colburn

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Family Day Care Homes - Registration - Amnesty**

3 FOR the purpose of altering certain provisions of law relating to the amnesty for
4 unlicensed family day care homes; requiring the Department to provide certain
5 information to providers; and generally relating to provisions of law related to the
6 registration of family day care homes.

7 BY repealing and reenacting, with amendments,
8 Article - Family Law
9 Section 5-552.1
10 Annotated Code of Maryland
11 (1991 Replacement Volume and 1995 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Family Law**

15 5-552.1.

16 (a) (1) There is an amnesty period[, to be determined by the Child Care
17 Administration of the Department,] for unregistered family day care providers WHO ARE
18 REPORTED TO THE DEPARTMENT OR WHO NOTIFY THE DEPARTMENT OF THEIR
19 INTENT TO BECOME REGISTERED.

20 (2) The purpose of the amnesty period is to encourage compliance with the
21 registration requirements of this Part V.

22 (b) The amnesty is intended to encourage compliance with registration
23 requirements by:

24 (1) having unregistered family day care providers voluntarily enter the
25 registration process; and

26 (2) allowing unregistered family day care providers participating in the
27 amnesty program to continue providing child care during the registration process.

28 [(c) (1) (i) Notwithstanding any other provision of this Part V, from October
29 1, 1994 to September 30, 1997, there shall be an amnesty period in each of those years for

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1 unregistered family day care providers as provided in subparagraph (ii) of this paragraph
2 to allow unregistered family day care providers to continue in operation while becoming
3 registered in accordance with the provisions of this section.

4 (ii) Except as provided in subparagraph (iii) of this paragraph, the
5 amnesty period shall be 12 months for each year from October 1, 1994 to September 30,
6 1997.

7 (iii) Subject to subparagraph (iv) of this paragraph, the Child Care
8 Administration of the Department may reduce the number of months in the amnesty
9 period to not less than 2 months for each of the 2 years from October 1, 1995 to
10 September 30, 1997, if the Child Care Administration finds that a 12-month period is not
11 feasible.

12 (iv) If the Child Care Administration reduces the number of the
13 months in the amnesty period under subparagraph (iii) of this paragraph, the Child Care
14 Administration shall notify the General Assembly in writing, in accordance with § 2-1312
15 of the State Government Article.]

16 (C) (1) THE DEPARTMENT SHALL NOTIFY AN UNREGISTERED FAMILY DAY
17 CARE PROVIDER OF THE DETAILS OF THE AMNESTY IF THE PROVIDER IS REPORTED
18 TO THE DEPARTMENT OR THE PROVIDER NOTIFIES THE DEPARTMENT OF AN
19 INTENT TO BECOME REGISTERED.

20 (2) The Secretary of Human Resources shall adopt regulations for the
21 implementation of the amnesty program.

22 (d) (1) The amnesty shall apply only to the registration required by this Part V,
23 but only if the requirements of subsection (e) of this section are met.

24 (2) [Any] FOR A PERIOD OF 1 YEAR, AN unregistered family day care
25 provider participating in the amnesty:

26 (i) may not be enjoined by the Department as long as information is
27 not made known to the Department that the health, safety, or welfare of any child in the
28 care of the unregistered family day care provider is endangered, including any
29 information or evidence provided by a State or local code enforcement authority or
30 protective services or law enforcement agency;

31 (ii) is not subject to the penalty provided for in § 5-557 of this Part V;
32 and

33 (iii) is subject to the group size requirements provided by § 5-553 of
34 this Part V.

35 (e) For the purposes of this section, an unregistered family day care provider is
36 participating in the amnesty program if:

37 (1) the unregistered family day care provider:

38 (i) [between October 1, 1994 and September 30, 1997,] files an
39 application with the Department in accordance with the regulations adopted by the
40 Department; and

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1 (ii) makes a good faith effort, as determined by the Department, to
2 complete the registration process within 1 year of the date of entering the amnesty; and

3 (2) information is not made known to the Department that the health,
4 safety, or welfare of any child in the care of the unregistered family day care provider is
5 endangered, including any information or evidence provided by a State or local code
6 enforcement authority, or protective services or law enforcement agency.

7 (f) Notwithstanding any other provision of law, except for any willful or grossly
8 negligent act, a State or local code enforcement authority, protective services or law
9 enforcement agency, the Department of Human Resources, and the personnel of a State
10 or local code enforcement authority, protective services or law enforcement agency or the
11 Maryland Department of Human Resources shall be immune from civil liability for any
12 act or injury to any child attributable to or resulting from the amnesty period provided for
13 in this section.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 1996.